

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

UGOCHUKWU GOODLUCK NWAUZOR,  
FERNANDO AGUIRRE-URBINA,  
individually and on behalf of all those  
similarly situated,

Plaintiffs/Counter-Defendants,

v.

THE GEO GROUP, INC.,

Defendant/Counter-Claimant.

Case No. 3:17-cv-05769-RJB

**DECLARATION OF COLIN L. BARNACLE  
IN SUPPORT OF DEFENDANT THE GEO  
GROUP, INC.'S MOTIONS IN LIMINE**

I, Colin L. Barnacle, make the following statement under oath subject to the penalty of perjury pursuant to the laws of the United States and the State of Washington:

1. I am the attorney for The GEO Group, Inc. in the above-captioned matter. I am over the age of eighteen (18), and I am competent to testify in this matter.

2. On February 26, 2020, I received the State of Washington's Third Supplemental Expert Disclosure for Dr. Nickerson.

3. On page four of Dr. Nickerson's supplemental report, which is marked confidential, he states that he interprets a "fair wage" as equivalent to the payment of the Washington minimum wage or the prevailing wage under the federal Service Contract Act.

4. On page seven of Dr. Nickerson's supplemental report, which is marked confidential and not included with this declaration, he states that his damages analysis is

1 contingent upon a “determination of liability, and the applicability of the rates ... by the trier of  
2 fact.”

3 5. Attached are true and correct copies of the following exhibits:

4 **EXHIBIT A:** Attached as Exhibit A are excerpts from the 30(b)(6) deposition of  
5 Colleen Melody, designee for the Washington Attorney General, taken August 10, 2018.

6 **EXHIBIT B:** Attached as Exhibit B are excerpts from the transcript of the hearing held  
7 before this Court on January 10, 2020.

8 **EXHIBIT C:** Attached as Exhibit C is GEO's First Set of Interrogatories and Requests  
9 for Production that was served on December 29, 2017.

10 Dated this 12th day of March, 2020 at Denver, Colorado.

11 Akerman, LLP

12 s/ Colin L. Barnacle

13 Colin L. Barnacle, (Admitted *pro hac vice*)  
14 Attorney for Defendant The GEO Group, Inc.

**PROOF OF SERVICE**

I hereby certify on the 12th day of March 2020, pursuant to Federal Rule of Civil Procedure 5(b), I electronically filed and served the foregoing **DECLARATION OF COLIN L. BARNACLE IN SUPPORT OF DEFENDANT THE GEO GROUP, INC.'S MOTIONS IN LIMINE** via the Court's CM/ECF system on the following:

**SCHROETER GOLDMARK & BENDER**

Adam J. Berger, WSBA #20714  
Lindsay L. Halm, WSBA #37141  
Jamal N. Whitehead, WSBA #39818  
Rebecca J. Roe, WSBA #7560  
810 Third Avenue, Suite 500  
Seattle, Washington 98104  
Telephone: (206) 622-8000  
Facsimile: (206) 682-2305  
Email: hberger@sbg-law.com  
Email: halm@sbg-law.com  
Email: whitehead@sbg-law.com  
Email: roe@sbg-law.com

**THE LAW OFFICE OF R. ANDREW FREE**

Andrew Free (Admitted *Pro Hac Vice*)  
P.O. Box 90568  
Nashville, Tennessee 37209  
Telephone: (844) 321-3221  
Facsimile: (615) 829-8959  
Email: andrew@immigrantcivilrights.com

**OPEN SKY LAW PLLC**

Devin T. Theriot-Orr, WSBA #33995  
20415 72nd Avenue S, Suite 100  
Kent, Washington 98032  
Telephone: (206) 962-5052  
Facsimile: (206) 681-9663  
Email: devin@openskylaw.com

**MENTER IMMIGRATION LAW, PLLC**

Meena Menter, WSBA #31870  
8201 164th Avenue NE, Suite 200  
Redmond, Washington 98052  
Telephone: (206) 419-7332  
Email: meena@meenamenter.com

*Attorneys for Plaintiffs*

s/ Nick Mangels  
Nick Mangels